

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
ADMINISTRATIVE HEARINGS FOR THE
DEPARTMENT OF HUMAN SERVICES**

IN THE MATTER OF:

██████████
██████████████████
██████████████████████████████

Reg. No.: 2013 22044
Issue No.: 2006
Case No.: ██████████
Hearing Date: May 9, 2013
County: Wayne County DHS (15)

ADMINISTRATIVE LAW JUDGE: Lynn M. Ferris

HEARING DECISION

This matter is before the undersigned Administrative Law Judge pursuant to MCL 400.9 and MCL 400.37 following Claimant's request for a hearing. After due notice, a three way telephone hearing was held on May 9, 2013, from Detroit, Michigan. Participants on behalf of Claimant included the Claimant and a witness ██████████ ██████████, the Claimant's Authorized Hearing Representative, also appeared on Claimant's behalf. Participants on behalf of the Department of Human Services (Department) included ██████████ ES.

ISSUE

Due to a failure to comply with the verification requirements, did the Department properly deny Claimant's application close Claimant's case reduce Claimant's benefits for:

- | | |
|--|---|
| <input type="checkbox"/> Family Independence Program (FIP)? | <input type="checkbox"/> State Disability Assistance (SDA)? |
| <input type="checkbox"/> Food Assistance Program (FAP)? | <input type="checkbox"/> Child Development and Care (CDC)? |
| <input checked="" type="checkbox"/> Medical Assistance (MA)? | |

FINDINGS OF FACT

The Administrative Law Judge, based upon the competent, material, and substantial evidence on the whole record, including testimony of witnesses, finds as material fact:

1. Claimant applied for was receiving: FIP FAP MA SDA CDC.
2. The Claimant applied for Medical Assistance on November 20, 2007 and filed a retro application for August 2007. Claimant Exhibit G, Claimant Exhibit F.

3. Claimant was required to submit requested verification by April 8, 2008.
4. The Department issued a second verification checklist dated June 24, 2008 requesting that clear copies of all verifications that apply for retro August 2007 through current months for all income, assets and unpaid medical expenses and self-employment records. Claimant Exhibit C.
5. The Claimant delivered the verifications requested by hand delivering the verifications to the Department on August 7, 2008.
6. The June 24, 2008 verifications were due August 8, 2008.
7. On August 11, 2008, the Department denied the application for failure to provide verifications.
 - denied Claimant's application for failure to submit self-employment information.
 - closed Claimant's case.
 - reduced Claimant's benefits
8. The Department sent notice of the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.
9. On November 6, 2008 the Claimant's AHR filed a timely hearing request, protesting the
 - denial of Claimant's application.
 - closure of Claimant's case.
 - reduction of Claimant's benefits.

CONCLUSIONS OF LAW

Department policies are found in the Bridges Administrative Manual (BAM), the Bridges Eligibility Manual (BEM) and the Reference Tables Manual (RFT).

The Family Independence Program (FIP) was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, 42 USC 601, *et seq.* The Department (formerly known as the Family Independence Agency) administers FIP pursuant to MCL 400.10, *et seq.*, and 1997 AACRS R 400.3101-3131. FIP replaced the Aid to Dependent Children (ADC) program effective October 1, 1996.

The Food Assistance Program (FAP) [formerly known as the Food Stamp (FS) program] is established by the Food Stamp Act of 1977, as amended, and is implemented by the federal regulations contained in Title 7 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence

Agency) administers FAP pursuant to MCL 400.10, *et seq.*, and 1997 AACS R 400.3001-3015

The Medical Assistance (MA) program is established by the Title XIX of the Social Security Act and is implemented by Title 42 of the Code of Federal Regulations (CFR). The Department (formerly known as the Family Independence Agency) administers the MA program pursuant to MCL 400.10, *et seq.*, and MCL 400.105.

The State Disability Assistance (SDA) program which provides financial assistance for disabled persons is established by 2004 PA 344. The Department (formerly known as the Family Independence Agency) administers the SDA program pursuant to MCL 400.10, *et seq.*, and 1998-2000 AACS R 400.3151-400.3180.

The Child Development and Care (CDC) program is established by Titles IVA, IVE and XX of the Social Security Act, the Child Care and Development Block Grant of 1990, and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The program is implemented by Title 45 of the Code of Federal Regulations, Parts 98 and 99. The Department provides services to adults and children pursuant to MCL 400.14(1) and 1997 AACS R 400.5001-5015.

Additionally, in this case the Claimant's AHR originally provided the verification information pursuant to a verification checklist dated February 20, 2008 and included in that verification was a DHS 431 Self-Employment Income and Expense Statement. Claimant Exhibit B. The Department apparently could not read the requested self-employment verification information and requested an additional copy be provided on or before August 8, 2008 in response to a June 24, 2008 Verification Checklist.

The Claimant's spouse credibly testified that she provided the information by hand delivering the information to the Department on August 7, 2008 AT 2:00 pm on that date and was very clear about the time she delivered the information. Claimant also recalled that she was asked to sign a sign-in log to verify the information was dropped off. Although she could not remember what office the material was provided to, she was clear that the information provided had employment information and bank account information current to March 2008. The Claimant reasonably recalled sufficient detail given that almost 5 years has passed since the day she dropped off the information.

Based upon these facts it is determined that the verifications were timely filed and provided and that the Department did not give the information to the proper party or misplaced the information. This conclusion is based upon the fact that the original self-employment information was provided originally in April 2008 and a copy of the self-employment information was provided during the hearing and therefore had already been provided originally in April 2008. Based upon the Claimant's spouse's testimony, it is determined that the information was timely provided again in August 2008 so the Department could receive a better copy. At the hearing the Department did not have the complete case file and thus could not determine from examination of the file whether the verification information was received. BAM 130, pp4, (8/1/2008)

Based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, the Administrative Law Judge concludes that the Department

properly improperly

closed Claimant's case.

denied Claimant's application.

reduced Claimant's benefits.

DECISION AND ORDER

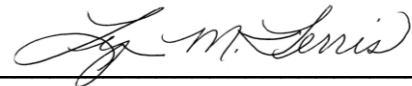
The Administrative Law Judge, based upon the above Findings of Fact and Conclusions of Law, and for the reasons stated on the record, finds that the Department

did act properly did not act properly.

Accordingly, the Department's decision is AFFIRMED REVERSED for the reasons stated on the record.

THE DEPARTMENT IS ORDERED TO DO THE FOLLOWING WITHIN 10 DAYS OF THE DATE OF MAILING OF THIS DECISION AND ORDER:

1. The Department shall initiate re-registration of the November 20, 2007 Medical Assistance application and Retro Application (August 2007) and process the application to determine eligibility.
2. The Department may seek further verifications to determine information that it must have to determine eligibility if information in its file is incomplete or shall reconstruct the information and may seek further verifications if any are necessary in accordance with Department policy.
3. The Department shall send copies of all notices and verification requests to the Claimant's Authorized Hearing Representative.



Lynn M. Ferris
Administrative Law Judge
for Maura Corrigan, Director
Department of Human Services

Date Signed: May 31, 2013

Date Mailed: May 31, 2013

NOTICE: Michigan Administrative Hearing System (MAHS) may order a rehearing or reconsideration on either its own motion or at the request of a party within 30 days of the mailing date of this Decision and Order. MAHS will not order a rehearing or

reconsideration on the Department's motion where the final decision cannot be implemented within 90 days of the filing of the original request. (60 days for FAP cases)

The Claimant may appeal the Decision and Order to Circuit Court within 30 days of the receipt of the Decision and Order or, if a timely request for rehearing was made, within 30 days of the receipt date of the rehearing decision.

Claimant may request a rehearing or reconsideration for the following reasons:

- A rehearing **MAY** be granted if there is newly discovered evidence that could affect the outcome of the original hearing decision.
- A reconsideration **MAY** be granted for any of the following reasons:
 - misapplication of manual policy or law in the hearing decision,
 - typographical errors, mathematical error, or other obvious errors in the hearing decision that affect the substantial rights of the claimant:
 - failure of the ALJ to address other relevant issues in the hearing decision.

Request must be submitted through the local DHS office or directly to MAHS by mail at
Michigan Administrative Hearings
Reconsideration/Rehearing Request
P. O. Box 30639
Lansing, Michigan 48909-07322

LMF/cl

cc: [REDACTED]
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[REDACTED]
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